

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 11/7/2012

**Ordinance Amending the Land Development Code Chapter 18, Article 12, Sec. 18-575.
Signs permitted in the Central Business District (CBD) and the Main Street Mixed Use
(MSMU) District, the Riverfront Mixed Use (RFMU) District, and the Mixed Use (MX)
District and Exhibit B.
(LDC-3-1012)**

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Land Development Code to provide guidelines for the height, construction, and maintenance of fences, walls and screens.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 12, Sec. 18-575. Signs permitted in the Central Business District (CBD) and the Main Street Mixed Use (MSMU) District, the Riverfront Mixed Use (RFMU) District, and the Mixed Use (MX) District (a) of the Wilmington City Code is hereby amended to read as follows:

- (a) External illumination, if used, shall not be blinking, fluctuating or moving. Light rays shall shine only upon the property within the premises and shall not spill over the property lines in any direction, except by indirect reflection. Internal illumination is permitted; however, electronic changeable copy signs are prohibited in the MSMU, RFMU, and MX districts.

Within the CBD, electronic changeable copy signs are permitted on property that meeting the following criteria:

- i. The property is north of Red Cross Street; and
- ii. The property is developed with either a parking deck with at least three

CITY CLERK
Melissa Sidbury
CERTIFIED TO BE A TRUE COPY

hundred (300) parking spaces or a special event venue that includes a seating capacity of one thousand five hundred (1,500) or more or an exhibition space of thirty thousand (30,000) square feet or more or more. This provision shall not apply to buildings used primarily for classroom or laboratory uses.

iii. Electronic changeable copy signs must comply with the following:

- a. A premises may have only one (1) sign containing electronic changeable copy
- b. Such a sign shall be freestanding only.
- c. Such signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the lighting level at night .
- d. Signs may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination. Prior to the issuance of a sign permit, the applicant shall provide written evidence that the light intensity has been factory pre-set not to exceed seven hundred fifty (750) cd/m² and that the intensity level is protected from end-user manipulation by password-protected software or other method determined appropriate by the City Manager.
- e. The electronic portion of the sign shall be limited to a black background with light colored numerals and letters only.

SECTION 2: Chapter 18, Article 12, Sec. 18-575. Signs permitted in the Central Business District (CBD) and the Main Street Mixed Use (MSMU) District, the Riverfront Mixed Use (RFMU) District, and the Mixed Use (MX) District (c) of the Wilmington City Code is hereby amended to add the following:

- (4) Electronic changeable copy, where permitted, may be incorporated into a freestanding sign.

SECTION 3: Chapter 18, Article 15, Exhibit B of the Wilmington City Code is hereby amended to read as follows:

EXHIBIT B-see attachment for Exhibit B

NOTE 1: See specific sections for area, height, number, setback, location, permitting and other sign requirements.

NOTE 2: For HD-R permitted and prohibited signs, see HD in above table. See Section 18-574 for specific HD-R provisions.

SECTION 4. That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 5: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

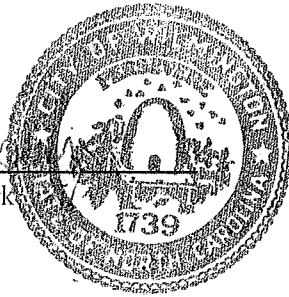
SECTION 6: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: That this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on November 7 2012

Attest:

Penelope Spicer-Sidbury
Penelope Spicer-Sidbury, City Clerk



Bill Saffo
Bill Saffo, Mayor

Approved As To Form:

[Signature]
City Attorney